

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 4 and 9-13 have been cancelled. In addition, new claim 23 has been added and claims additional features of the invention. Furthermore, the claims have been amended for clarity.

The Examiner has rejected claims 1-4, 6-11, 15-19, 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0169879 A1 to Akins III et al. The Examiner has further rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Akins III et al. in view of U.S. Patent 5,940,756 to Sibecas et al. Furthermore, the Examiner has rejected claims 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Akins III et al. in view of U.S. Patent 6,223,045 to Valentine et al. The Examiner has further rejected claims 14 and 20 under 35 U.S.C. 103(a) as being unpatentable over Atkins III et al. in view of U.S. Patent 7,369,660 to Kahn et al.

The Akins III et al. publication discloses a method and apparatus for geographically limiting serviced in a conditional access system. Thereto an Entitlement Agent (a function at the provider) determines the location of a user terminal. The agent sends an entitlement message (111 in Fig. 1) to the specific terminal, which message may comprise said location (point in a X, Y geographic coordinate system, see [311, 313]). When accessing content, an Entitlement Control Message is sent with the program (ECM 107 and program 109 in Fig.1) to the set top box (113) of the

user. The ECM may indicate an area to blackout (e.g., 2236 in Fig.20). An application (see [0323]) determines if the location of the terminal is within the blackout area.

In the conventional system of Akins III et al., the process of determining the actual location of the user terminal is a task to be performed by the service provider. Akins III et al. assumes that such location is known to the provider (e.g., due to a payment or a subscription). Subsequently, an entitlement message is sent to the receiver that contains its location. It is to be noted that Akins III et al. does not provide any method for the terminal to determine its own location, but requires the service provider to first determine, and subsequently inform the terminal of its location.

The current invention requires that the second data is sent via a network only to locations within the first area. Subsequently, the receiver is arranged to receive the second data and autonomously determine its location based on receiving said second data from the first network, and matching the received second data with first data previously provided to the receiver. Hence the provider does not need to determine the actual location of individual receivers, and does not send dedicated messages to each receiver.

In particular, claim 1 includes "A method for accessing content according to at least one location within a first geographical area of a plurality of geographical areas, wherein the content is provided within the plurality of geographical areas, the

method being independent of determining the location and comprising:

- defining the first geographical area by one or more selected nodes of one or more networks;

- determining first data for identifying the first geographical area as defined by the one or more selected nodes;

- determining second data for identifying at least one location within the first geographical area in dependence on the first data;

- sending the second data via the one or more selected nodes only to locations within the first geographical area;

- providing the first data to a receiver not via the one or more selected nodes;

and, at the receiver:

- accessing the first data;

- receiving the second data from the one or more selected nodes;

- comparing the second data with the first data; and

- accessing the content in dependence on the results of the comparison, wherein the content is accessed according to the at least one location within the first geographical area of the plurality of geographical areas, wherein the content is provided within the plurality of geographical areas, in a manner that is independent of determining the location."

With regard to the limitation "determining first data for identifying the first geographical area as defined by the one or

more selected nodes", the Examiner refers to "Akins: Fig 1 & paragraph 0056, 0311 describes determining first data in relation to the first geographical area, hence identifying the geographical area)". Further, with regard to the limitation "determining second data for identifying at least one location within the first geographical area in dependence on the first data", the Examiner refers to "(Akins: Fig 1:107, paragraph 0056 lines [10-15], paragraph 0311-0316 discloses ECM identifying location of user to enable or disable the content)". It appears that the Examiner is equating EMM of Akins III et al. to the claimed first data, and ECM of Akins III et al. to the claimed second data. However, paragraph [0056] of Akins III et al. merely states that encrypted instance 105 is transmitted to a large number of set-top boxes, and each box determines whether the encrypted instance should be decrypted using a control word contained in an entitlement control message (ECM) 107 and information from authorization information 121 stored in the set-top box. However, there is no disclosure or suggestion that the first data is determined "for identifying the first geographical area as defined by the one or more selected nodes".

It should be noted that paragraphs [0306]-[0314] of Akins III et al. describe in detail ECM, i.e., the second data. While there is some description regarding geographical area, there is no disclosure or suggestion that the second data is determined "for identifying at least one location within the first geographical area in dependence on the first data".

The Sibecas et al. patent discloses a method for transmitting paging communication on a cellular communication system, in which GSM cell ID is provided. However, Applicants submit that Sibecas et al. does not supply that which is missing from Akins III et al., i.e., among others, "determining second data for identifying at least one location within the first geographical area in dependence on the first data" and "sending the second data via a first network only to locations within the first geographical area".

The Valentine et al. patent discloses satellite delivery of short message service (SMS) messages, in which a terrestrial mobile telephony network is provided as a first network. However, Applicants submit that Valentine et al. does not supply that which is missing from Akins III et al., i.e., among others, "determining second data for identifying at least one location within the first geographical area in dependence on the first data" and "sending the second data via a first network only to locations within the first geographical area".

The Kahn et al. patent discloses methods and apparatus for distributing digital content, in which a Smart Card is used as a storage medium. However, Applicants submit that Kahn et al. does not supply that which is missing from Akins III et al., i.e., among others, "determining second data for identifying at least one location within the first geographical area in dependence on the

first data" and "sending the second data via a first network only to locations within the first geographical area".

In view of the above, Applicants believe that the subject invention, as claimed, is not rendered obvious by the prior art, either individually or collectively, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-22, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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